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REMARKS

Applicant requests reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1-12, 18-26, 28, 30, 32-43, 47-51, 53, and 54 are pending in the present application. Claims 1, 4, 18, 28, 32, 47, 49, and 51 are the independent claims.

Claim 36 has been amended. No new matter is believed to have been added.

Applicant requests entry of this Rule 116 Response because:

(a) the amendment was not earlier presented because Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed;

(b) the amendment of claim 36 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised – claim 36 is amended to again depend from claim 28 (in the Amendment filed August 30, 2006, claim 36 was rewritten in independent form); and

(c) the amendment does not significantly alter the scope of the claims and places the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

Claims 1-12, 18-26, and 47-50 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,825,726 (Hwang et al. – hereinafter Hwang). Claims 28, 30, 32-43, 51, 53, and 54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,754,248 (Faroudja – hereinafter Faroudja) in view of Hwang. All rejections are respectfully traversed.

Independent claim 1 recites: "...selecting a disc recording format from a plurality of disc recording formats to record the data on the optical storage medium independent of a type of the

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optical storage medium...."

Independent claim 4 recites: "...selecting separate ones of the plurality of disc recording formats for each of the corresponding data to record each of the data on the optical storage medium; recording each of the data on the optical storage medium in the corresponding selected disc recording formats...."

Independent claim 18 recites: "...an area on which a plurality of data are recorded in various corresponding disc recording formats...."

Independent claim 28 recites: "...the first region includes another disc recording format information regarding another one of the plurality of different disc recording formats, and the second region has other data encoded in the another one of the plurality of different disc recording formats."

Independent claim 32 recites: "...a controller which determines a disc recording format selected from a plurality of different disc recording formats and which corresponds to a selected one of the data, controls the data converter to convert the received one of the encoded data and the data according to the determined one of the plurality of different disc recording formats, and controls the pickup to optically transfer the encoded data, wherein the controller further determines another disc recording format from the plurality of different disc recording formats and which corresponds to a selected another one of the data from the optical storage medium, and controls the converter to convert the received one of the selected another data and the encoded data according to the determined another one of the plurality of different disc recording formats."

Independent claim 47 recites: "...selecting a disc recording format from a plurality of disc recording formats to record the data on the optical storage medium; recording the data on the optical storage medium in the selected disc recording format...selecting another one of the plurality of disc recording formats for additional data to be recorded on the optical storage medium; recording the additional data on the optical storage medium in the corresponding another selected disc recording format...."

Independent claim 49 recites: "...reading disc recording format information corresponding to selected data from an information area of the optical storage medium distinguished from a plurality of disc recording format information corresponding, respectively, to unselected data...."

And independent claim 51 recites: "...wherein the first disc recording format is

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independent of a type of the optical storage medium on which the encoded data is recorded...."

In response to Applicant's arguments, the Office Action states: "Hwang clearly discloses various types of recording formats in column 2, lines 16-22."

Indeed, Hwang discloses multiple formats: CD-DA, CD-ROM, CD-I, CD-ROM/XA. (See Hwang, e.g., at col. 1, lines 23-32 and col. 2, line 22).

But the Office Action goes on to assert: "[t]hese formats are used regardless of the type of optical media, such as recordable CDs (CD-R or read only CDs (CD-ROM)." Additionally, the Office Action states: "Hwang et al. specifically teaches different formats being recorded to the same medium in a multi-session recording."

Applicant respectfully disagrees, and submits that the Office Action mischaracterizes the teachings of Hwang.

In Hwang, all formats (CD-DA, CD-ROM, CD-I, CD-ROM/XA) are not recorded on a single disc. Instead, a single one of these formats that is desired by a user is selected by the user and recorded on a single session or multiple sessions of a single type of disc, i.e., CD-R.

In other words, as disclosed in Hwang, all of these formats must necessarily be recorded on a single "type" of disc, namely, CD-R. Thus, the disclosed formats of Hwang are not "independent of a type of the optical storage medium" as required, e.g., by independent claim 1

In contrast, in a non-limiting embodiment of the present invention, a plurality of disc formats, through which data is recorded on a recording medium are selected, and information on the selected formats is added whenever the data is recorded in the selected formats so that the data can be recorded on a disc in several formats, regardless of the "type" of disc.

Additionally, only one of the formats disclosed in Hwang can be selected for a given disc.

Thus, data could not be recorded on a single disc employing separate ones of the formats disclosed in Hwang.

In contrast, in a non-limiting embodiment of the present invention, as noted above, a plurality of formats can be recorded on a given disc.

In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

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Applicant submits that this Amendment After Final Rejection places the subject application in condition for allowance. This Amendment was not earlier presented because Applicants believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of the instant Amendment as an earnest attempt to advance prosecution and reduce the number of issues is requested under 37 C.F.R. § 1.116.

Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

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